

Owensby, et al vs. City of Cincinnati, et al.
November 19, 2003

ALEXANDER HASSE

1

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

WESTERN DIVISION

ESTATE OF ROGER D. :
OWENSBY JR., et al., :
 :
Plaintiffs, :
vs. : Case No. 01-CV-769
 : (Judge S. A. Spiegel)
CITY OF CINCINNATI, :
et al., :
 :
Defendants. :

Deposition of ALEXANDER HASSE, a witness

herein, called by the plaintiffs for examination,

pursuant to the Federal Rules of Civil Procedure,

taken before me, Wendy Davies Welsh, a Registered

Diplomate Reporter and Notary Public in and for the

State of Ohio, at the offices of Helmer, Martins &

Morgan Co. LPA, 1900 Fourth & Walnut Centre, 105

East Fourth Street, Cincinnati, Ohio, on Wednesday,

November 19, 2003, at 10:12 a.m.

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<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 Paul B. Martins, Esq. Don Stiens, Esq.</p> <p>4 Helmer, Martins & Morgan Co. LPA Suite 1900, Fourth & Walnut Centre 105 East Fourth Street Cincinnati, Ohio 45202 Phone: (513) 421-2400</p> <p>7 John J. Helbling, Esq. The Helbling Law Firm, L.L.C. 3672 Springdale Road Cincinnati, Ohio 45251 Phone: (513) 923-9740</p> <p>10 On behalf of the Defendants City of Golf Manor, Stephen Tilley, Roby Heiland and Chris Campbell:</p> <p>12 Richard T. Lauer, Esq. Rendigs, Fry, Kiely & Dennis 900 Fourth & Vine Tower One West Fourth Street Cincinnati, Ohio 45202-3688 Phone: (513) 381-9200</p> <p>15 On behalf of Defendants City of Cincinnati, Darren Sellers, Jason Hodge:</p> <p>17 Geri Hernandez Geiler, Esq. Assistant City Solicitor Department of Law Room 214, City Hall 801 Plum Street Cincinnati, Ohio 45202 Phone: (513) 352-3346</p>	<p>Page 4</p> <p>1 I N D E X</p> <p>2 Examination by: Page</p> <p>3 Mr. Martins 5 Mr. Lauer 111 4 Mr. Hagdin 116 Mr. Martins 117 5 Mr. Lauer 119</p> <p>6 - - -</p> <p>7 E X H I B I T S</p> <p>8 Deposition Exhibit 59 15 9 Deposition Exhibit 60 23 Deposition Exhibit 61 68 10 Deposition Exhibit 62 93 Deposition Exhibit 63 94 11 Deposition Exhibit 64 95 Deposition Exhibit 65 97 12 Deposition Exhibit 66 99 Deposition Exhibit 67 102 13 Deposition Exhibit 68 104</p> <p>14 - - -</p>
<p>Page 3</p> <p>1 APPEARANCES (Continued):</p> <p>2 On behalf of Alexander Hasse and the Defendants Robert B. Jorg, Patrick Caton, Jason Hodge, 3 Victor Spellman and Darren Sellers:</p> <p>4 Donald E. Hardin, Esq. Hardin, Lefton, Lazarus & Marks, LLC 5 915 Cincinnati Club Building 30 Garfield Place Cincinnati, Ohio 45202 6 Phone: (513) 721-7300</p> <p>7 - - -</p> <p>8 S T I P U L A T I O N S</p> <p>9 It is stipulated by and among counsel for the 10 respective parties that the deposition of ALEXANDER 11 HASSE, a witness herein, called by the plaintiffs 12 for examination, pursuant to the Federal Rules of 13 Civil Procedure, may be taken at this time by the 14 notary; that said deposition may be reduced to 15 writing in stenotype by the notary, whose notes may 16 then be transcribed out of the presence of the 17 witness; and that proof of the official character 18 and qualifications of the notary is expressly 19 waived.</p> <p>20 - - -</p>	<p>Page 5</p> <p>1 ALEXANDER HASSE</p> <p>2 being by me first duly cautioned and sworn, deposes</p> <p>3 and says as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. MARTINS:</p> <p>6 Q. Would you state for the record, sir, your</p> <p>7 name.</p> <p>8 A. Alexander Hasse, H-A-S-S-E.</p> <p>9 Q. And your age?</p> <p>10 A. 29.</p> <p>11 Q. Date of birth?</p> <p>12 A. 11/9/74.</p> <p>13 Q. Have you ever had your deposition taken</p> <p>14 before?</p> <p>15 A. No.</p> <p>16 Q. Let me cover some ground rules for you.</p> <p>17 As you know, as you've just seen, the court reporter</p> <p>18 has placed you under oath and will take down</p> <p>19 everything that you say, so try to keep your answers</p> <p>20 audible. Try to avoid saying uh-huh or huh-uh,</p> <p>21 things like that which can be confusing on the</p> <p>22 transcript.</p> <p>23 I will ask you questions, and if you don't</p> <p>24 understand a question or you haven't heard the</p>

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1 A. Either way, trunk or the front of the
2 vehicle with us.
3 Q. The front seat?
4 A. Either one.
5 Q. So far, as I understand it, on
6 November 7th you and Officer Sellers make the
7 arrest. You send out a request for an NTA.
8 Officers Jorg, Caton and Hunter respond that they
9 are going to bring NTA books, and they arrive
10 sometime less than a half-hour after the request is
11 made. If we pick it up from there, what happens
12 next?
13 A. The subject had quite a bit of marijuana.
14 Q. But less than 100 grams?
15 A. But less than 100 grams, although I'm not
16 sure if he was aware of that. He was willing to
17 give us information.
18 Q. In order for what?
19 A. I guess, in his mind, to avoid further
20 prosecution.
21 Q. So your understanding is that he did not
22 understand that he had a minor misdemeanor
23 violation?
24 MS. GEILER: Objection.

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1 A. I don't know what he was --
2 Q. Am I correct in understanding that there
3 isn't any lesser offense than a minor misdemeanor?
4 Correct?
5 A. Correct.
6 Q. So in giving you information to lessen the
7 penalty that he was going to face, he would have to
8 understand somehow that he was facing more than a
9 minor misdemeanor?
10 MR. HARDIN: Objection to the question.
11 You may answer.
12 A. I'm not sure if he -- I guess he
13 thought -- I can't say I guess what he thought,
14 but --
15 Q. Well, let me ask you this: What do you
16 recall him saying to either you or Officer Sellers?
17 A. I recall one of us, I believe Officer
18 Sellers, asking him, Would you be willing to give us
19 some more information, help us, you know, tell us
20 where you bought this?
21 Q. And what was his response?
22 A. Yes, he was willing.
23 Q. Once he indicated that he was willing to
24 tell you where he had bought the marijuana, what did

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1 either you or Officer Sellers do?
2 A. I know that Officers Hodge and Lawson were
3 notified. Whether Sellers notified them or once
4 Jorg and Caton and Hunter got there, one of them
5 notified them, I don't recall, but they were made
6 known about it.
7 Q. This conversation that Mr. Williams had
8 with either you or Officer Sellers about saying,
9 I'll tell you where I bought the marijuana, was that
10 while you folks are waiting for the NTA book to
11 arrive?
12 A. I don't recall exact order. It may have
13 even been before we requested the NTA. I don't
14 recall the order.
15 Q. Well, if it was before you requested the
16 NTA, then obviously it would be before the NTA book
17 arrived?
18 A. Correct.
19 Q. Are you saying you don't know if he
20 offered to give you this information after you had
21 the NTA book?
22 A. It was before that. I just don't recall
23 if it was before we requested it or once we
24 requested it.

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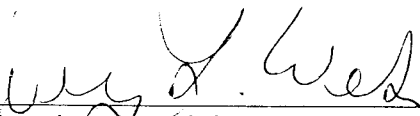
1 Q. And my question was just was it before the
2 NTA book arrived.
3 A. Yes.
4 Q. And it was?
5 A. Yes.
6 Q. So when he makes this statement or this
7 offer, the only officers present are you and Officer
8 Sellers?
9 A. Yes.
10 Q. Now, at some point in time Caton, Jorg and
11 Hunter arrive. You are handed one or more NTA
12 books.
13 A. (Nodding head.)
14 Q. What do you do once you have the NTA
15 books?
16 A. Well, there is some discussion in front of
17 the car.
18 Q. Are you a party to the discussion?
19 A. Initially, yes.
20 Q. What happened? What is that?
21 A. It was reference -- we informed the three
22 officers that the subject we had was willing to help
23 us out, give us some information. And I believe it
24 was Jorg who stated, I want him to tell me who LA

AFFIDAVIT

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STATE OF OHIO :
 : SS
COUNTY OF HAMILTON :

I, Wendy L. Welsh, Notary Public in and for the State of Ohio, do hereby state that the transcript of the deposition of ALEXANDER HASSE, deponent herein, having been submitted to said deponent for review and signature, has not been signed within the thirty (30) day period allowed under the Federal Rules; said deposition to now have the same force and effect as though signed.


Wendy L. Welsh, Court Reporter

Sworn to before me this 27th day of January, 2004.



Thomas M. Blasing
Notary Public - State of Ohio

My commission expires:
May 4, 2004.